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Report of the Committee on Relations with the Host Country

General Assembly

Official Records • Fiftieth Session
Supplement No.26 (A/50/26)

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NOTE

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I. INTRODUCTION

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The Assembly, by its resolution 49/56 of 9 December 1994, requested the Committee, among other things, to continue its work, in conformity with General Assembly resolution 2819 (XXVI), and decided to include in the provisional agenda of its fiftieth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 49/56.

2. As in previous years, the present report is divided into four sections. Section I contains a brief introduction. The membership, terms of reference and organization of the work of the Committee are discussed in section II. Section III is devoted to a detailed description of topics dealt with by the Committee during the reporting period. The recommendations and conclusions of the Committee are contained in section IV. Annex I contains a list of documents circulated by the Secretariat at the request of Member States in connection with the work of the Committee. Finally, annex II sets out the recommendations of the open-ended Working Group on Indebtedness based on the report of the Secretary-General on the problem of diplomatic indebtedness.

II. MEMBERSHIP, TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

3. The period covered by the present report is from 11 November 1994 to 8 November 1995. During the reporting period, there were no changes in the membership of the Committee, which was as follows:

Bulgaria	Iraq
Canada	Mali
China	Russian Federation
Costa Rica	Senegal
Côte d'Ivoire	Spain
Cyprus	United Kingdom of Great Britain and Northern Ireland
France	United States of America
Honduras	

4. From November 1994 to the beginning of September 1995, Mr. Alecos Shambos (Cyprus) served as Chairman. On 22 September 1995, at its 172nd meeting, the Committee elected by consensus the newly appointed Permanent Representative of Cyprus to the United Nations, Mr. Nicos Agathocleous, as its new Chairman. The representatives of Bulgaria, Canada and Côte d'Ivoire continued to serve as Vice-Chairmen, and Mrs. Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1982, the Committee adopted, and in March 1994 slightly modified, the following detailed list of topics:

1. Question of the security of missions and the safety of their personnel.

2. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study on privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the Committee's report to the General Assembly.

6. In March 1994, the Committee also decided to rationalize its work by concentrating, at any particular meeting, only on those items which were of most immediate concern. In this connection the Committee decided that delegations should be encouraged to request, through the Secretary or the Chairman of the Committee, the formal inscription, at least 48 hours before each scheduled meeting, of specific items, keeping in mind the above list of topics as amended. Delegations were further encouraged to submit to the Secretary or the Chairman any relevant documentation or written statements in advance of such meeting. It was agreed that upon receipt of specific requests from the members of the Committee or any other delegation, the Secretary, in consultation with the Chairman and members of the Bureau of the Committee, would compile a draft agenda reflecting the specific requests, for approval by the Committee at the beginning of its scheduled meeting. It was understood that any last-minute issue relating to the Committee's work could be raised at any time by any delegation under the agenda item entitled "Other matters".

7. During the period under review, the Committee held five meetings: the 169th, on 16 March 1995; the 170th, on 5 April 1995; the 171st, on 30 May 1995; the 172nd, on 22 September 1995; and the 173rd, on 8 November 1995.

8. The Bureau of the Committee consists of the Chairman, the Rapporteur, the three Vice-Chairmen and a representative of the host country, who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meetings.

9. The Bureau held three meetings: on 17 April, 14 July and 15 September 1995. It discussed, among other matters, the organizational aspects of the work of the Committee and the problem of financial indebtedness. The Bureau's proposals and recommendations were transmitted to the plenary of the Committee for its consideration.

10. The Working Group on Indebtedness, whose mandate is to consider all the aspects of the problem, also held three meetings: on 8, 19 and 29 June 1995. In July 1995, Mrs. Valentina Tsoneva (Bulgaria), Chairperson of the Working Group, resigned. The members of the Committee and its Chairman held informal consultations with a view to identifying a suitably qualified candidate to assume the chairmanship of that body.

11. The Working Group was regularly briefed by the host country representatives on the problem of indebtedness. At the request of the Committee, the Working Group prepared recommendations based on the Secretary-General's report on diplomatic indebtedness. Those recommendations (see annex II to the present report) were endorsed by the Committee at its 173rd meeting.

III. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

12. At its 170th meeting, on 5 April 1995, the Committee resumed consideration of matters relating to the security of missions and the safety of their personnel. The meeting was convened at the request of the Chargé d'affaires a.i. of the Cuban Mission as expressed in his letters to the Chairman dated 22 and 29 March 1995.

13. The observer of Cuba drew the attention of the Committee once again to the systematic demonstrations in front of the Cuban Mission. According to the observer those demonstrations were carried out by terrorist organizations which disrupted the work of the Mission and threatened its personnel. Such activities were punishable under New York State penal law and pertinent federal legislation. The United States was called upon to ensure that the demonstrations ceased and to use foresight to prevent future incidents. Noting repeated requests to the United States to take the appropriate action, the Cuban Mission, he said, would take the necessary steps to defend its premises and personnel. Future incidents would be the sole responsibility of the United States and any inaction on its part which encouraged or promoted such incidents would have to be explained to the international community.

14. Referring to a specific incident outside the Cuban Mission on 30 August 1994, the observer of Cuba stated that personnel of the Mission had rightly attempted to bar the entry of demonstrators who were trying to take over the Mission. Those clearly identified Cuban Mission personnel, including one staff member of high rank, had unjustly been taken to the police station. The authorities were attempting to charge them with violations and calling on them to renounce their diplomatic immunity. Cuba refused to accept such actions.

15. The representative of the United States said that for many years the United States had responded to complaints by Cuba about protests in the vicinity of its Mission. Those responses made it clear that the United States Constitution guaranteed the freedom of speech and assembly, including the right to peaceful protest. He further noted that the New York City Police, at times augmented by federal law-enforcement agents, maintained a 24-hour presence at the Cuban Mission. When incidents occurred at the Mission in the presence of law-enforcement officers, arrests had been and would continue to be made. When instances occurred which were not witnessed by law-enforcement officers, the Cuban Mission had been requested to report the incidents immediately and file criminal complaints against the perpetrators, providing evidence as necessary. However, the Cuban Mission had failed to come forward to press official charges. Instead, reports were provided in the form of diplomatic notes, sometimes days or weeks after the fact, making it difficult or impossible to investigate the alleged incident. The complaints received from the Cuban Mission usually contained threats that if appropriate action was not taken by the host country, the Mission would not be responsible for the consequences. As to the incident on 30 August 1994, it would have been controlled by the United States law-enforcement agents, if the Cuban Mission personnel had not attacked the demonstrators and police officers alike. The demonstrators who had committed unlawful acts had been arrested, charged and prosecuted. Following intensive investigations, three Cuban Mission personnel had also been charged with assault, among other charges. The actions of the Cuban Mission personnel during that incident had been unacceptable, and as a result the United States had

requested the Cuban Mission to waive their immunity or to withdraw them. The United States representative none the less stated that he was prepared to entertain further discussions with the Cuban Mission on the matter.

16. The representative of Cyprus said he could testify to the concern of the host country regarding complaints made by personnel of diplomatic missions. Appealing to the host country to continue consultations with the Cuban Mission, he expressed the hope that the results of those discussions would be fruitful.

17. The observer of Cuba reiterated that the aggression perpetrated against the Permanent Mission of Cuba on 30 August 1994 was a deliberate act of which the press had advance knowledge. The police should have acted properly in view of the repeated reports from the Cuban Mission on the increased aggressiveness of actions perpetrated against it by elements belonging to terrorist organizations. Instead, the force used by the police was unnecessary and excessive. The detention of Cuban Mission personnel in the police precinct for more than two hours, with a full awareness of their diplomatic status, was a deliberate violation of their diplomatic immunities and privileges. If events such as those on 30 August 1994 reoccurred, the Permanent Mission of Cuba would take the sufficient and necessary steps to defend the integrity of its premises and to ensure the safety of its personnel and their families. While the freedoms, rights and guarantees of the United States Constitution were well known, the acts of aggression and intimidation referred to by the Cuban Mission greatly exceeded the freedom of speech and assembly. The Mission of Cuba had given reports to the United States Mission on that event within a proper time-frame. The chains that obstructed the entry into and exit from the Mission of Cuba and which should have been cut with the tools provided by the Cuban personnel more than half an hour after the beginning of the event not only impaired the dignity of the Cuban Mission staff but also barred the diplomatic staff from performing their functions. Cuba would never renounce the immunities and privileges of its diplomatic personnel. On previous occasions, Cuba had noted the commitment of the host country authorities to comply with their obligations under international law. It was hoped that that position would be translated into action but much remained to be done. A meeting with the appropriate United States authorities as suggested by the host country must be held in order to clarify the event which had occurred on 30 August 1994 in order to adopt concrete measures with a view to ensuring the security of the Cuban Mission and the safety of its personnel.

18. In response, the representative of the United States clarified the extent of the rights and freedoms under the United States legislation. In the case of demonstrations in the vicinity of the Cuban Mission, the local authorities, in accordance with the appropriate constitutional principles, allowed demonstrators to express their protests in a peaceful manner and in designated areas in the proximity of the Cuban Mission in order to avoid disruption of the work of the Mission or possible acts of violence. The record indicated that when those constitutional principles were exceeded and lawful protest turned into violent actions, the authorities took action to prosecute those who committed such unlawful acts. That had happened not only with respect to the demonstrations of the kind that occurred on 30 August 1994 but also in the case of the more serious threats of violence. The United States did not condone terrorism, threats of terrorism or violence of any kind. When those kinds of acts were committed, it put all its resources into making sure that those who perpetrated them were brought before the law. In specific cases involving the Cuban Mission in the past, there had been acts of terrorism and the record indicated that prosecutions were conducted and very heavy sentences were imposed upon the perpetrators. Similarly, in the case of the incident of 30 August 1994, the

record of the host country was very clear. Those demonstrators who had exceeded their lawful constitutional rights to protest and engaged in acts of violence against Cuban diplomats or against Cuban property had been charged and would be tried in due course.

19. The observer of Cuba reiterated the hope that acts of terrorism and violence against his Mission not only would be tried and punished but also would be foreseen and prevented by the competent host country authorities.

20. The Chairman noted a determination and willingness on the part of both parties to deal with the problem in the spirit of finding a solution to it, in accordance with the applicable laws and regulations.

21. At the same, 170th meeting, the representative of Cyprus expressed concerns in connection with the new security regulations, proposed by the United Nations Protocol and Liaison Service in its circular note verbale to all permanent missions accredited to the United Nations, for admittance of guests to Headquarters during the United Nations fiftieth anniversary celebrations.

22. The representative of the United States expressed similar concerns as to the appropriateness of the proposed measures, especially in that part of the year, i.e., months away from the main commemorative events. He wondered whether those measures were justifiable.

23. The representative of France questioned whether the new regulations being presented should be discussed by the Committee or instead by the Preparatory Committee for the Fiftieth Anniversary of the United Nations.

24. The Committee decided to continue consultations on the matter.

25. At the 171st meeting, on 30 May 1995, the representative of the United States, recalling the discussions on the events which had occurred on 30 August 1994 in front of the Cuban Mission, informed the Committee that a meeting had subsequently been held with representatives of Cuba in an effort to respond to the Cuban Mission's concerns regarding security and safety arrangements surrounding the Cuban Mission. The host country had also met with New York City law-enforcement officials regarding the matter and hoped to be able to report some concrete proposals arising from those discussions (see document A/AC.154/281).

B. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

Host country travel regulations

26. At the 172nd meeting, the Chairman informed the Committee that on 22 June 1995 the Permanent Representative of Cuba had addressed a letter to his predecessor asking him to intercede with the host country Mission regarding the travel restrictions imposed by the latter on the Cuban delegation for its attendance at the San Francisco commemorative meetings. His predecessor, Ambassador Shambos, had brought the matter to the attention of the Host Country Section of the United States Mission.

27. The observer of Cuba, referring to the travel restrictions on the movement of the Cuban Mission staff as a remnant of the cold war, recalled the denial by the United States Mission of his Permanent Representative's participation in a prayer breakfast in Washington, D.C., earlier in the year. The new discriminatory obstacles had been put in place to prevent the Permanent Representative of Cuba from attending the commemorative activities in San Francisco in June 1995. Cuba, as a founding Member of the United Nations, had been invited to San Francisco and had made the relevant travel request to the host country Mission. The Mission had sent the relevant notification form for the travel of the Permanent Representative and the accompanying diplomat. However, permission was received only for the Permanent Representative's travel. In addition, travel and other restrictions were imposed on the Permanent Representative in San Francisco. The documentation which had been sent to the host country Mission had been tampered with, and the Cuban Mission's official communication had been responded to by United States Mission personnel by telephone. The travel restrictions imposed on the Permanent Representative of Cuba in San Francisco had adversely affected his participation in the commemorative activities, and also had had adverse financial consequences, in view of the greater expenses incurred because of those restrictions. It was unacceptable that such restrictions should continue to be placed on Cuban diplomats. The host country was obligated to facilitate the proper carrying out of diplomatic work. He called for the immediate lifting of all the travel restrictions and stressed that the commemoration of the fiftieth anniversary of the Organization was the appropriate time to do so.

28. The representative of the United States said that the San Francisco event had been sponsored by the City of San Francisco and not the United Nations. The host country was therefore not obligated to permit travel to events not sponsored by the Organization. In the spirit of the fiftieth anniversary, the host country none the less had permitted one official of the Cuban Mission to travel to events sponsored by that city. When the issue of a visit to an event hosted by a private citizen at his residence in California was raised by the Permanent Representative of Cuba, the Permanent Representative was informed in writing of the denial of that request. The restrictions imposed on the travel of the Permanent Representative of Cuba to or in the San Francisco area in no way violated the United States Government's treaty obligations as host country.

29. The observer of Cuba said that the representative of the United States had not adequately responded to his question as to why an official document of the Cuban Mission had been adulterated, or why an official written diplomatic request from his Mission had been responded to by a telephone call. He reiterated a call upon the Committee to take the appropriate action regarding travel restrictions placed on certain permanent missions to the United Nations.

C. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto

30. At the 169th meeting, the Chairman informed the Committee of a letter dated 22 November 1994 addressed to the Secretary-General by the Permanent Representative of the United States to the United Nations, Ambassador Madeleine K. Albright. Advising the Secretary-General that the significant amount of diplomatic debt in New York had begun to tarnish the financial reputation of the United Nations community, the letter welcomed an opportunity for the Chairman of the Committee and the United States Representative to meet

with him to discuss the seriousness of the situation, which had been of great concern to the Committee. It also pledged full cooperation in working with the Secretariat in the preparation of the Secretary-General's report on the matter. In response, the Secretary-General, in his letter of 19 December 1994, expressed his willingness to meet with the Permanent Representative of the host country and the Chairman of the Committee at any time to discuss the matter, and assured them of the Secretariat's readiness to help resolve this difficult matter as soon as possible.

31. The Chairman further informed the Committee that a report of the Secretary-General on the problem of diplomatic indebtedness had been issued on 13 March 1995 (A/AC.154/277). The report addressed institutional, financial and legal aspects of the problem. It also contained observations and recommendations as requested by the Committee.

32. The representative of the United States commended the efforts made by the Secretariat and particularly the Office of Legal Affairs in drafting the report, which was an excellent first step in addressing the problem of indebtedness directly and on a global basis. He suggested that the Committee consider the report at the next meeting once all the delegations had had an opportunity to review it.

33. At the 170th meeting, the Chairman informed the Committee that he and Ambassador Albright had met with the Secretary-General on 29 March 1995. The meeting, which was held in a businesslike atmosphere, was also attended by the Legal Counsel. The Secretary-General, among other things, expressed his concern about the problem that diplomatic indebtedness caused for the Organization. Various aspects of the problem and procedures to be followed with a view to resolving the issues relating thereto were discussed at the meeting.

34. At its 171st meeting, on 30 May 1995, the Committee focused its attention on consideration of the report of the Secretary-General on the problem of financial indebtedness.

35. In introducing the report to the Committee, the Legal Counsel observed that it contained a thorough review of the progress made so far in examining the ideas discussed in the Committee to rectify the situation: creation of an emergency fund, group health insurance programmes, short-term employment in the Secretariat and information programmes. The idea of establishing an emergency fund under the auspices of and administered by the Secretariat did not appear feasible. The report, however, suggested that the Committee should be encouraged to further explore the possibility of establishing such a fund under the auspices of the Business Council for the United Nations, the New York City Commission for the United Nations and Consular Corps, and other interested parties. The idea of providing temporary employment in the Secretariat to personnel of missions in acute distress owing to extreme emergency in the sending State was also found unworkable. It appeared that, among the measures and steps discussed and/or undertaken by the Committee to alleviate the problem of indebtedness, the most successful thus far had proved to be its efforts in exploring the possibility of arranging more affordable group health and dental services for mission personnel. The report also found merit in an idea of information programmes for Member States highlighting the financial costs arising from or associated with the presence of a mission in New York.

36. The report reiterated the position of principle of the Organization that the primary responsibility for mission debts rested solely with the Member States concerned. The United Nations had no legal liability in matters relating

to the insolvency of missions of Member States or mission personnel. The report assured Member States that the Organization would continue to defend their legitimate rights under the applicable international legal instruments. However, missions should be mindful that their just, uncontested debts were to be paid promptly and in full. The Secretary-General expressed his sincere hope that, with good cooperation between the Organization, the missions accredited to it and the mission of the host country, it would be possible to achieve a solution to the problem of diplomatic indebtedness. The Secretary-General was personally very concerned about the question of diplomatic indebtedness, which reflected badly on the Organization. What the whole issue came down to was something which was very well known in diplomatic circles and in fact one of the cornerstones of international law, i.e., pacta sunt servanda. As requested by the Committee, the report contained specific recommendations which the Organization might consider to address the issue.

37. The representative of the United States observed that diplomatic indebtedness was not just a problem in New York. The Secretary-General's report clearly showed the magnitude of the problem in Geneva, and his recommendations addressed the problem as one of a global nature. The United States supported those recommendations and hoped the Committee would adopt them, as a very significant first step towards a solution to a problem which continued to have a negative effect on the reputation of the United Nations and the entire diplomatic community. One of the Secretary-General's recommendations contained a request that a host State forward information about just and uncontested debts which remained unpaid. As of 30 May 1995, local creditors had informed the United States Mission that a total of 31 permanent missions owed slightly more than $9 million in just debts. The Mission had also been made aware of an additional $65,000 owed by members of the Secretariat. The total amount of debt had therefore grown over the past several months from the prior figure of $7 million. The United States Mission would provide this information to the Office of the Legal Counsel. On the other hand, it was a matter of some satisfaction that at least three of the permanent missions identified in previous reports as carrying substantial indebtedness had made some progress in reducing their debt. The representative of the United States attributed this in part to the heightened awareness of the problem that resulted from the Committee's deliberation on the issue and the Secretary-General's decision to help address it.

38. He also drew attention to a recommendation referring to a reduction in the size of missions. The size of a mission determined the amount of financial obligations it would incur. Most missions which began to experience financial difficulties should immediately scale back their expenses so as to avoid falling into debt. A few missions, unfortunately, did not do so. In those cases, the United States Mission, after consultations with the United Nations Legal Counsel, had been forced to request diplomats who incurred debts or whose missions were unable to finance their continued presence in the United States to depart its territory. In such cases, the United States position was that the expelled diplomats should not be replaced until the debts incurred by them or on their behalf were paid. The United States was also prepared to assist in preparation of the information brochure recommended in the Secretary-General's report.

39. The representative of the Russian Federation said that the problem of diplomatic indebtedness was very serious in New York and the amounts involved continued to rise. The situation was similar in Geneva and elsewhere. Compliance with obligations was in keeping with diplomatic, moral and ethical considerations. However, his delegation had difficulties with certain

recommendations, particularly with regard to the role envisaged for the Secretary-General and the Legal Counsel. The Secretary-General recommended that the Committee might wish to report to the General Assembly and the Assembly might issue a statement on the matter. However, the Assembly regularly adopted a resolution on the report of the Committee. It was therefore not necessary to issue a separate statement, as the Committee's report addressed all the problems facing it, including that of indebtedness. The recommendations which specified the role of the Legal Counsel were not in accordance with the Charter of the United Nations or with any existing resolution. Such a role must be specifically identified by resolutions of the main organs of the United Nations. The problem of indebtedness was mainly between the mission concerned and the host country. The recommendations should be amended, so that no Member State could have concerns about any infringement of its sovereignty.

40. The representative of France acknowledged the gravity of the indebtedness problem and the need to find a solution to remedy it. Debts should be paid, whether owed by missions or diplomats. Diplomatic immunity did not imply that missions or diplomatic agents did not have to pay their debts. He questioned the idea raised in the Secretary-General's report of assimilating individual debts into missions' debts as well as a need for a separate statement of the General Assembly on the problem. There was the risk of politicizing the debate and the discussion might slide into irrelevancy. It was preferable to address the matter in a more technical manner. In addition, more consideration was needed regarding the role of the Secretary-General. Based on some recommendations, the Secretary-General, through his Legal Counsel, might be made into a middleman and that might create some problems. Care must be taken to avoid involving the Secretary-General too directly in matters which were bilateral, between the host country and missions concerned. Problems might arise in which the Secretary-General might be held partly responsible for debts. Some of the proposed recommendations, if followed, might place the Secretary-General in an undesirable position and would raise questions of principle. The document which might be circulated on the matter should avoid including names of missions or individuals that had incurred financial debts.

41. The representative of Cyprus said that the current problem of diplomatic indebtedness went beyond cases of indebtedness at United Nations Headquarters. The Committee had made progress towards a system-wide approach to the problem. Cyprus fully supported the Secretary-General's proposal that the matter should be considered by the Sixth Committee (Legal) of the General Assembly. However, in cases in which there were catastrophic conditions at home, it would be futile to expect payment of debts. The idea of establishing a small fund to address such problems was attractive. Such a fund might be established by the United Nations Business Council or the New York Commission for the United Nations and Consular Corps. The problem had tarnished the image of the United Nations and its Members, and the Organization must be fully involved in resolving the ever escalating problem of diplomatic indebtedness. Full payment of diplomatic debts could no longer be postponed.

42. The representative of Costa Rica stressed the need for States to honour their debts. The recommendations in the Secretary-General's report must be examined more carefully. The representative of the host country had indicated that the amount of indebtedness had now risen to $9 million. The preparation of a booklet setting forth the costs of having a permanent mission in New York, as recommended in the Secretary-General's report, might be useful. She supported the views expressed by Cyprus regarding indebtedness arising from catastrophic situations.

43. Responding to the previous speakers, the representative of the United States said that the problem should be viewed not as a bilateral issue but rather as one involving the United Nations as a whole. To look at it in any other way belittled the problem. It had not been given due importance in the past, leading to an increase in the problem, particularly in the last year. The issue was not a matter solely between the host country and missions, as the missions were accredited to the United Nations and had obligations to the Organization. When actions which must be taken by the host country including expelling diplomats for non-payment of debts, it had an impact upon the whole United Nations. The recommendation that the Sixth Committee review the problem was a good one. The fund suggested but not recommended in the report required additional review. However, establishing such a fund in the private sector was not practical.

44. The representative of the Russian Federation said that all agreed that the problem existed and measures must be taken. The question was what the efforts would be and how they would be made. The situation should be resolved directly with the host country.

45. The representative of France, responding to comments made by the representative of the host country, said that when he had referred to the problem as bilateral, he had not intended to minimize the problem. It was a substantial problem which could have an impact upon the United Nations. However, he had wished to avoid involving the United Nations in the management of such problems. It might lead to the mistaken belief that the debts were those of the United Nations.

46. The Legal Counsel explained certain elements of the report. The Secretary-General was concerned that the indebtedness tarnished the reputation of the United Nations, and this led him to feel that he must get involved. Since past efforts had not solved the problem, new measures were needed. The idea of a General Assembly statement was one suggestion. Such a statement of the General Assembly could be used to indicate to missions and their personnel the importance of the matter. It might be helpful to note that 83 per cent of the indebtedness had been incurred by five missions. There was no reference to particular missions in the report. Now it was up to the Committee to decide how to proceed in that area. Regarding the fund, there was a distinction between a fund established within the United Nations and one established outside it. The Committee might wish to discuss this idea further, although it had been discussed many times without leading to a solution. The idea of the brochure was food for thought. A costly document was not intended. The report's recommendations were also food for thought, as the Secretary-General could only make suggestions.

47. The Chairman reminded the members that the Committee had requested the preparation of the report, including recommendations. He thanked the Secretary-General and the Legal Counsel for providing food for thought which might lead to practical solutions to the problem. The Committee decided that its Working Group on Indebtedness should continue consideration of the matter, including the recommendations outlined in the report.

48. At the 172nd meeting, on 22 September 1995, the Committee concentrated on consideration of the recommendations of the Working Group on Indebtedness (A/AC.154/1995/CRP.1), submitted on 14 July 1995.

49. The representative of the Russian Federation expressed the view that there was no need to recommend that the General Assembly adopt a separate resolution

on indebtedness since the matter could be dealt with within the context of the annual resolution on the work of the Committee. Likewise, the Committee should not suggest any specific recommendations regarding the reduction of mission personnel.

50. The representative of France shared the observations made by the Russian Federation and said that the proposed actions should be presented as recommendations, not obligations. The Committee should not make any recommendations regarding the problem of indebtedness on the part of the staff members of the United Nations Secretariat. That issue was not appropriate for the Committee's consideration.

51. The representative of the United Kingdom expressed the view that a resolution of the General Assembly on the serious problem of indebtedness could be separate from its resolution on the work of the Committee. She shared the view of the representative of the Russian Federation regarding the reference in the recommendations to the reduction of the size of permanent missions. However, the problem of indebtedness on the part of Secretariat staff members might fall within the mandate of the Committee.

52. The representative of Spain observed that the recommendations should be in the conditional. In the Spanish text, the points were listed in the imperative form of the verb.

53. The representative of Senegal said that the recommendations should not make any reference to reduction of the size of diplomatic missions. That was a sovereign decision of a Member State concerned. He asked the Legal Counsel to clarify whether the debts of the Secretariat staff members would be an issue appropriate to the mandate of the Committee.

54. The Legal Counsel recalled that the General Assembly by its resolution 49/56 had voiced its concern that the amount of indebtedness of certain missions had increased to alarming proportions and had reminded "all permanent missions to the United Nations, their personnel and Secretariat personnel of their responsibilities to meet such obligations". As to the terms of reference of the Committee regarding indebtedness, they applied only to missions.

55. The representative of Costa Rica said that indebtedness was a very great concern to the diplomatic community since it had a negative impact as regards the renting of apartments by missions or the opening of lines of credit. She favoured the drafting of a separate resolution on indebtedness rather than the inclusion of that issue in the standard resolution on the work of the Committee.

56. The representative of the United States said that the Committee had become the primary forum for the diplomatic corps and the host country to discuss their mutual obligations. He stressed that consensus had been reached on the proposed recommendations in the Working Group and expressed the hope that the Committee would ratify them because they could help resolve serious issues. Since January 1995, diplomatic indebtedness had been reduced by $500,000; negotiations were under way between missions and creditors on additional outstanding debts of $3.5 million. He attributed the progress to the increased attention the Secretary-General and the Committee had given to the problem. It was in the interest of all the members of the diplomatic community, at United Nations locations around the world, to resolve the problem of indebtedness. He also referred to instances of Secretariat staff members not respecting their child-support obligations, and to other aspects of indebtedness affecting the image of the diplomatic community.

57. The observer of Switzerland said that as a host country, his Government favoured the recommendations of the Working Group. While some changes were acceptable, Switzerland would prefer to see the recommendations adopted as they stood. However, it would regret it if the publishing of lists of debtors was to be left to the Committee to decide upon every year. That might lead to a certain politicization of the matter.

58. The Committee decided that the interested delegations should conduct informal consultations on the matter with a view to finalizing the proposed recommendations.

59. At the 173rd meeting, the Committee endorsed the recommendations of the Working Group on Indebtedness, revised accordingly as a result of such consultations (see annex II).

D. Transportation: use of motor vehicles, parking and related matters

60. At the 170th meeting, the representative of the Russian Federation referred to tickets and fines issued for parking and lack of inspection stickers on diplomatic automobiles, and proposed that the Committee consider those issues at its next meeting.

61. At the 171st meeting, the representative of the Russian Federation recalled that the Committee had been studying the transportation problem for years. However, the situation had deteriorated and was now more difficult than ever. The host country had been asked to explain what measures were being taken to solve the problem. In particular, he sought an explanation on the question of parking and on the problem of tickets and fines which continued to be imposed because there were no inspection stickers on diplomatic automobiles.

62. In response, the representative of the United States said that his Mission had been in touch with the New York City Commission for the United Nations and Consular Corps and had been informed that the City was conducting a review of its traffic control policy. The Commission was playing a role in that review. The Mission had also asked the Office of Foreign Missions in New York to discuss the matter with the City in order to obtain any information needed by the Committee.

63. The representative of the Russian Federation expressed regret that an insufficient response had been received as to how the transportation problem was to be resolved. He hoped that such a response would be given at one of the Committee's future meetings.

64. The observer of Latvia said that his country had bought a building for its permanent mission two years ago. However, no parking space had been allocated by the competent authorities in front of the building, in which Latvia had made a significant investment. That matter posed a significant problem to the Latvian Mission.

E. Other matters

65. At the 172nd meeting, the representative of China brought to the attention of the Committee the unfair treatment of his Mission by the host country with regard to the issue of the relocation of the Chinese Mission. The Permanent

Mission of China was quite far from United Nations Headquarters. The current building of the Mission, built in the 1960s as a hotel, could no longer meet the basic needs of the Mission owing to its outdated architecture. The poor condition of the building caused both an inconvenience and a safety hazard. The only solution was to build a new structure. China had reached an agreement on a swap with a New York company and had made the appropriate applications to the United States Government. The initial request had not been approved. The application for relocation had then been resubmitted, and after two months it had again been turned down. No explanation had yet been given by the United States competent authorities. The host country had obligations under international law regarding permanent missions to the United Nations. By twice denying the Chinese applications for relocation, the United States was violating its obligations. China was very dissatisfied with the situation and urged the United States to approve the application at the earliest possible date.

66. The representative of the United States said that his Government had kept the application of China under active review. At the time of the first application, his Government had requested answers to a number of technical questions. The transaction proposed by China had been quite complicated and the United States had wished to have certain questions answered. Responses to those questions had been provided and a second application had been received. Since the transaction was very complicated, the host country had been forced to notify the Chinese Mission that it was unable to agree to the transaction by the required deadline. The application, however, was still kept under active consideration. The United States took its obligations as host country seriously. The denial of an application for the relocation of a mission was not an abrogation of those obligations. The United States had complied with its obligations as host country by approving the original occupation of the building in which the Mission of China was now located. It was also cooperating with the Chinese Mission to ensure it had the safe use of that space, and would not interfere in any way with the Chinese occupancy of the building. The host country had no further legal obligations in that regard.

IV. RECOMMENDATIONS AND CONCLUSIONS

67. At its 173rd meeting, on 8 November 1995, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country for this purpose and is assured that all problems raised at its meetings will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee expresses the hope that remaining travel restrictions will be removed by the host country as soon as possible. In that regard, the Committee also notes the positions of the affected Member States, of the Secretary-General and of the host country;

(e) The Committee stresses the importance of the efforts of its Working Group concerning financial indebtedness, an issue which has tarnished the image of the United Nations and its Members in New York, and which has impaired the ability of some missions and diplomats to obtain services and suitable accommodation. The Committee notes that this issue has also arisen in other host cities to the United Nations, and therefore requires a system-wide approach. Pursuant to a report prepared by the Secretary-General on the problem of financial indebtedness, the Committee approved by consensus a set of proposals to address this issue, and it recommends that the General Assembly adopt these proposals during its fiftieth session. The Committee further recommends that permanent missions, their personnel and Secretariat personnel adhere to the adopted recommendations, and in particular that financial obligations be met promptly and in full. The Committee has taken careful note of the concerns expressed by the host country and others regarding this problem, and recommends that its Working Group continue its own efforts, in cooperation with all interested parties, to monitor progress and to develop solutions to the problem;

(f) The Committee calls upon the host country to review measures and procedures relating to the parking of diplomatic vehicles, with a view to resolving the parking problem and responding to the growing needs of the diplomatic community in that regard, and to consult with the Committee on these issues;

(g) The Committee notes with appreciation the measures taken by the host country to accelerate immigration and customs procedures for diplomatic personnel arriving in New York City, and urges the host country to continue to

take appropriate action in this regard to ensure the application of these procedures;

(h) The Committee wishes to reiterate its appreciation to the Host Country Section of the United States Mission to the United Nations, the New York City Commission for the United Nations and Consular Corps and those bodies, particularly the New York City Police Department, which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York.

ANNEX I

List of documents

A/AC.154/277	The problem of diplomatic indebtedness: report of the Secretary-General
A/AC.154/278	Letter dated 22 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/279	Letter dated 5 April 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/280	Letter dated 17 May 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/281	Letter dated 16 June 1995 from the representative of the United States of America on the Economic and Social Council, and representative of the United States on the Committee on Relations with the Host Country, addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/282	Letter dated 14 August 1995 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/283	Letter dated 18 October 1995 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee on Relations with the Host Country

ANNEX II

Recommendations of the open-ended Working Group on Indebtedness based on the report of the Secretary-General on the problem of diplomatic indebtedness

(a) The Committee wishes to draw to the attention of the General Assembly that diplomatic indebtedness is a matter of significant concern to the United Nations and that non-payment of undisputed debts reflects badly on the entire diplomatic community and tarnishes the image of the Organization itself. The Committee recommends that the General Assembly adopt proposals on the issue of financial indebtedness resulting from non-compliance with contractual obligations, which would, inter alia, reaffirm that non-compliance with contractual obligations cannot be condoned or justified;

(b) The Committee recommends the following procedures:

(1) A head of a mission who foresees or is faced with the fact that funds for the financing of the mission will not suffice should notify the head of the Mission of the host State and take appropriate action in order to avoid or minimize the risk of damage to third parties, including possible adjustments in functioning of the mission;

(2) A head of a mission who is informed that members of his/her staff do not fulfil their contractual obligations and incur debts should take appropriate measures in order to ensure that the unpaid debts are settled promptly and in full;

(3) The Mission of the host State should forward to the Office of Legal Affairs, on a regular basis, information about undisputed debts;

(4) In specific cases where debts of missions or individual diplomats have become egregious or have not been settled following bilateral contacts between the debtor and the representatives of the host State, the Mission of the host State may request that the Secretary-General take the necessary action to convey to the head of the mission concerned that there are legal and moral obligations to settle undisputed debts promptly and in full;

(c) Based on the information supplied by the host country Mission, the Secretariat should keep the Committee on Relations with the Host Country appropriately informed of the numbers of missions which have outstanding debts within specific ranges, as appears in annex I to the report of the Secretary-General on the problem of diplomatic indebtedness (A/AC.154/277);

(d) The host countries may request the Secretariat of the United Nations, within existing resources, to disseminate information which would be helpful to the diplomatic community in resolving the debt problems, including, inter alia, provisions of relevant international legal instruments and United Nations documents as well as information provided by the host countries on cost of living at a location concerned and relevant provisions of national legislation;

(e) The Committee notes with appreciation and calls to the attention of the General Assembly the Secretary-General's intention to continue to establish internal procedures that require Secretariat staff members concerned to settle their undisputed debts in full and promptly.